



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2013-05

Legistar #: 20121324

Board of Zoning Appeals Hearing: Monday, January 28, 2013 at 6 p.m.

Applicant: Alexander Propp
192 Hedges Street
Marietta, Georgia 30008

Property Owner: Same as Above

Address: 192 Hedges Street

Land Lot: 02880 District: 17th Parcel: 0590

Council Ward: 3 Existing Zoning: R4 (Single Family Residential 4 units/acre)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce west side yard setback from 10 ft. to 1 ft. [Section 708.04(H)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.

3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES







Recommended Action:

Recommend Denial. Applicant and owner, Alexander Propp, is requesting a variance at 192 Hedges Street to allow for him to construct a carport that will be attached to the house/principal structure. The subject property is zoned R4 (Single Family Residential 4 units/acre) and is 0.256 acres. The subject property is located on Hedges Street, a local roadway where the majority of the properties along the street are duplex housing units with a few single family dwelling units, all of which are zoned R4 (Single Family Residential 4 units/acre). There are some commercial properties on the corner of Hedges Street and West Atlanta Street that are zoned OI (Office Institution). The majority of the housing units along Hedges Street are tenant occupied. The Marietta Redevelopment Corporation (MRC) owns approximately 18 properties on the west-end of Hedges Street. The area is a transitional residential neighborhood.

The applicant is seeking a variance to construct a carport that will be attached to the house/principal structure. As shown in the recent staff photos above, the applicant has made several improvements to the subject property, such as painting the exterior, construction of deck in rear yard, new asphalt driveway and installed new wood fence around the property. Also shown in the pictures above are the posts to the proposed carport, which gives a slight indication to the height of the structure.

The applicant has not provided staff with specific details on the proposed carport, but has provided pictures of other carports found in the neighborhood that are similar to what he proposes to construct. There are no records to indicate that these carport structures were properly permitted, and as such, may also be violating building setback requirements.

It was also staffs observation, and can be seen in the pictures above, that the fence that was installed along the west side yard along the property line was installed with the finished side facing the interior. According to Section 710.04 of the city code, the finished side of a fence shall be to the exterior, and so this issue will have to be corrected.

The applicant has not given any indication that a hardship exists on this property, as it appears that there is sufficient area in the rear yard to provide a detached carport that could meet zoning requirements. Allowing the proposed structure so close to the property line would do nothing to enhance the public health, safety, or general welfare of the property or the neighborhood, and as such, **staff recommends denial of the requested variance.**